

REMARKS:

Claims 1 and 6 - 15 remain standing for prosecution in this patent application. The subject matter from claims 2 - 5 has been included in the currently amended claim 1.

The Examiner has rejected claims 1 - 11 under 35 U.S.C. § 102(a and e) as being anticipated by U.S. Patent 6,655,378 to Swetish.

Applicant submits that limitation in originally filed claim 5, namely "wherein said air inlet of said snorkel cap is disposed in said sidewall portion of said outer cap portion" is not found in the cited prior art. The inlet labelled 95 in Figure 4 of Swetish is between the sidewall portion 58 of the outer cap portion 22 and the sidewall 76 of the sealer member 18, not in the sidewall portion 58. Evidence of this is that an increase in diameter of the sidewall portion 58 of the outer cap portion 22 would increase the size of the inlet labelled 95 in Figure 4. In complete contradistinction, an increase in diameter of the sidewall portion of the outer cap portion 77 in the present invention would not increase the size of the inlets 71. Applicant therefore submits that the limitation found in claim 5 as originally filed, and as now found in currently amended claim 1 (along with the limitations of originally filed claims 2 through 4), defines over the prior art reference to Swetish. Accordingly, Applicant submits that the present invention as set forth in currently amended claim is inventive over the prior art.

The dependency of claim 6 has been changed so as to depend from claim 1.

In making these amendments to the claims, specification and drawings, no new matter has been introduced.

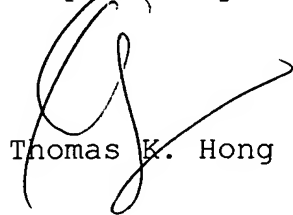
The Examiner has rejected claim 15 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enabling requirement. Applicant kindly thanks the examiner for pointing this out. Applicant has cancelled claim 15 and reserves the right to file a continuation-in-part patent application.

Applicant acknowledges the Examiners statement that claims 12 - 14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant also acknowledges the Examiners statement that
40 claim 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, first paragraph, as set forth in this Office action.

Applicant submits that the claims as presently on file define over the references cited.

45 If it would help in the prosecution of the present patent application, Applicant invites the Examiner to call collect at the above telephone number.

Respectfully submitted,



Thomas K. Hong